

REMARKS/ARGUMENTS

The Office Action mailed June 27, 2003 has been reviewed and carefully considered. Claim 1 has been amended. Claims 1-7, 9, and 10 are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-7, 9, and 10 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,244,063 (Laurien).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to a vibration damper having a damping valve 3 with a variable damping force. Additionally, the present invention includes further non-return valves 1 and 2 in series with the damping valve 3. Non-return valve 1 allows flow therethrough and provides a damping force in the compression stage of the vibration damper and non-return valve 2 allows flow therethrough and provides a damping force in the rebound or extension stage of the vibration damper. The non-return valves 1, 2 generate a soft damping characteristic of the vibration damper in the compression and rebound stage, respectively. The damping valve 3 is adjustable to offset the soft characteristics (see page 4, lines 8-16 and page 10, lines 1-8 of the application). That is, when the damping valve 3 is not actuated, the soft characteristics of the vibration damper are exhibited. Furthermore, the damping valve 3 is arranged in the piston such that the flow of damping medium through the damping valve 3 is in a first direction in the rebound stage and in a second opposing direction in the compression stage.

Independent claim 1 has been amended to clearly recite that the damping medium flows through the damping valve in a first direction in the rebound stage and a second direction in the compression stage, wherein the first and second directions are opposing.

Laurien discloses a controllable hydraulic shock absorber, i.e., vibration damper, having a piston with a valve arrangement which is diagrammatically shown in Fig. 1b. The valve arrangement of Laurien includes four non-return valves P1 – P4 and a damping control valve P5 (col. 4, lines 37-39). In Figs. 2 and 4, plate valves 17 and 18 correspond to non-return valves P1 and P2 and plate valves 34 and 35 correspond to non-return valves P3 and P4 (see col. 5, lines 59-66 and col. 6, lines 49-54). Valve body 23 interacts with valve seat 24 and corresponds to valve P5.

The stroke movement of the piston of the vibration damper of Laurien occurs when a minimum force is exerted that is sufficient to overcome the throttle resistances of the plate valves 17, 18, 34, 35, and valve body 23 (col. 7, lines 13-17). Magnet coils 26, 27 are selectively activatable to exert a force on the armature 28 to thereby lower or raise the throttle resistance of the valve P5 (col. 7, lines 18-24). That is, the valve P5 can be adjusted toward a soft damping characteristic or toward a hard damping characteristic from a non-activated state. As shown in Fig. 1b and as disclosed at col. 5, lines 1-5, the flow through damping control valve 5 always passes in the same direction. Accordingly, Laurien fails to disclose "said damping medium is required to flow through said flow path of said damping valve in a first direction when damping medium is exchanged between said two working spaces in the rebound direction and said damping medium is required to flow through said flow path of said damping valve in a second direction when damping medium is exchanged between said two working spaces in the compression direction of the vibration damper, said second direction opposing said first direction", as recited in independent claim 1.

Accordingly, it is respectfully submitted that independent claim 1 is not anticipated by Laurien under 35 U.S.C. §102.

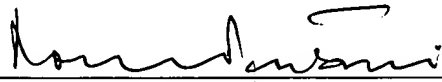
Since Laurien teaches an arrangement in which the direction of flow through the damping control valve is the same in both the compression and rebound stage, the damping control valve of Laurien exhibits the same characteristics in both the rebound and compression stage. Accordingly, Laurien teaches away from the arrangement recited in independent claim 1 which requires a flow in different directions in the rebound and compression stages. In view of the above remarks and amendments, it is respectfully submitted that independent claim 1 is also allowable over Laurien under 35 U.S.C. §103.

Dependent claims 2-7, 9, and 10, being dependent on independent claim 1, are allowable for at least the same reasons that independent claim 1 is allowable.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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